

**Reports of Committee on  
Engrossed Bills**

Austin, Texas,  
April 5, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 189  
and S. B. 419 carefully examined,  
compared and read, and find same cor-  
rectly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 5, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bills  
Nos. 235, 298, 276, 370, 400, 51, 112,  
265, 190, 394, 49, 373, 302, 410, 299,  
402, 55, 187, 147, 422, 393, 283, 415,  
191, 329, 48, 326, 114, 115, 261, 52,  
287, 220, 367, 317, 408, 334, 318, 412,  
355, 50, 385, 328, 340, 272, 247, 267,  
336, 236, 420, 121 and 221 carefully  
examined, compared and read, and  
find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 5, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 413  
carefully examined, compared and  
read, and find same correctly en-  
grossed.

LANNING, Chairman.

**FORTY-EIGHTH DAY**

(Monday, April 10, 1939)

The Senate met at 10:00 o'clock  
a. m., pursuant to adjournment, and  
was called to order by President  
Stevenson.

The roll was called, and the fol-  
lowing Senators were present:

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett
Head	Moore

Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

A quorum was announced present.

The invocation was offered by the  
Chaplain.

On motion of Senator Aikin, and  
by unanimous consent, the reading  
of the Journal of the proceedings  
of Thursday, April 6, 1939, was dis-  
pensd with and the Journal was  
approved.

**Senate Concurrent Resolution 33**

Senator Stone of Washington of-  
fered the following resolution:

Whereas, The State Highway De-  
partment of Texas has a large quan-  
tity of discarded guard wire in Wash-  
ington County; and

Whereas, The Brenham Independent  
School District of Washington Coun-  
ty anticipates a large number of  
people attending athletic events to be  
held in the near future; and

Whereas, It will be necessary and  
important to said School District to  
fence the grounds where said athletic  
events will be held; and

Whereas, It would be a great ac-  
commodation to said School District  
if the State Highway Department  
were permitted to loan said district  
the discarded wire hereinabove men-  
tioned for the purpose of fencing the  
grounds; now, therefore, be it

Resolved by the Senate, the House  
of Representatives concurring, That  
the State Highway Department of  
Texas be authorized to loan to the  
School Board of Brenham Independ-  
ent School District sufficient quan-  
tities of the discarded wire herein-  
above mentioned for the purposes as  
hereinabove set out, said School Board  
to return such wire upon request of  
the State Highway Department, and  
it is so resolved.

The resolution was read; and on  
motion of Senator Stone of Wash-  
ington and by unanimous consent, it  
was considered at this time and was  
adopted.

**Senate Bill 426 on First Reading**

Senator Spears moved that the rule  
relative to the introduction of bills

after the first 60 days of the Regular Session of the Legislature be suspended, to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

**Absent**

Cotten	Lemens
Hill	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Spears:

S. B. No. 426, A bill to be entitled "An Act to amend Article 5885 of the Revised Civil Statutes of Texas, 1925, so as to define the assistance which Counties, Cities and Towns may render to the National Guard, validating certain donations heretofore made, and declaring an emergency."

Referred to Committee on Military Affairs.

**Motion to Set Senate Bill 19 as a Special Order**

Senator Burns moved that S. B. No. 19 be set as a special order for tomorrow immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—17**

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Moore
Hardin	Pace
Head	Redditt

Roberts  
Shivers  
Sulak

Van Zandt  
Weinert

**Nays—11**

Collie  
Graves  
Martin  
Metcalf  
Moffett  
Nelson  
Small

Spears  
Stone  
of Galveston  
Stone  
of Washington  
Winfield

**Absent**

Cotten	Lemens
Hill	

**Motion to Set Senate Bill 104 as a Special Order**

Senator Pace moved that S. B. No. 104 be set as a special order for tomorrow immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—17**

Aikin  
Beck  
Burns  
Collie  
Hardin  
Hill  
Isbell  
Kelley  
Lanning  
Moore

Pace  
Redditt  
Roberts  
Stone  
of Galveston  
Stone  
of Washington  
Van Zandt  
Weinert

**Nays—12**

Brownlee  
Graves  
Head  
Martin  
Metcalf  
Moffett

Nelson  
Shivers  
Small  
Spears  
Sulak  
Winfield

**Absent**

Cotten	Lemens
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**Senate Concurrent Resolution 34**

Senator Hill, by unanimous consent, offered at this time the following resolution:

Whereas, In its issue of April 10, 1939, the pictorial magazine, Life, published in New York gave twelve pages of well prepared and beautifully illustrated scenes depicting the agricultural, industrial and historical life of our great State, and

Whereas, This great magazine with

a circulation of two million per week carried this fine story of information concerning our State, which was in line with the aim of our citizenship to advertise to the world our great industrial, agricultural, live stock and mineral resources, and

Whereas, This great piece of publicity was given our State without cost, now, therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, through the Secretary of the Senate and the Chief Clerk of the House, express to the publishers of Life Magazine the sincere appreciation of the people of Texas for this wonderful pictorial representation of our State, and the gratitude that the people of Texas and the Legislature of this State feels for this constructive and valuable work in behalf of Texas.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered at this time and was adopted.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. C. R. No. 42, Authorizing Ennis Miller to sue the State.

H. B. No. 516, "An Act to validate acts of city officials and proceedings of city governing bodies in borrowing money from the Reconstruction Finance Corporation or other agencies of the United States Government for the purpose of making repairs and extensions, or either, to a dam comprising part of a waterworks system, declaring money so borrowed with interest thereon, to be a legal obligation of such city or town payable from the revenues of its waterworks system; and declaring an emergency."

H. B. No. 429, "An Act to create a more efficient road law for Cameron County, Texas, providing for the cancellation, without the prerequisite of an election, of certain bonds heretofore voted, prescribing the method of accomplishing said cancellation, providing that this law shall take precedence over other laws in conflict herewith, and declaring an emergency."

H. B. No. 57, "An Act granting permission to Victor Alexander Surber to bring suit against the State of Texas and/or Highway Department in a

court of competent jurisdiction, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, and which injuries are alleged to have produced damages to the said Victor Alexander Surber; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 527, "An Act to provide for a more adequate and equitable salary of County Superintendents of Public Instruction in all counties of the State of Texas having a population of not less than one hundred and ninety-seven thousand (197,000) and not more than one hundred and ninety-eight thousand (198,000); providing for the traveling expenses and/or office expenses for said offices; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

#### Committee Substitute for Senate Joint Resolution 12 on Third Reading

The President laid before the Senate, on its third reading and final passage:

Committee Substitute S. J. R. No. 12, A Joint Resolution proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax, etc.

The resolution was read third time.

Question—Shall the the resolution be passed?

The Secretary was directed to call the roll on the question, Shall the resolution be passed?

#### At Ease

Pending the count of the vote on passage of C. S. for S. J. R. No. 12, Senator Hill moved that the Senate stand at ease subject to the call of the President.

The motion prevailed, and the Senate, accordingly, at 10:37 o'clock a. m., stood at ease subject to the call of the President.

The President called the Senate to order at 10:50 o'clock a. m.

The President announced the result of the vote on C. S. for S. J. R. No. 12.

The resolution was passed by the following vote:

**Yeas—21**

Aikin	Pace
Beck	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Weinert
Nelson	Winfield

**Nays—10**

Brownlee	Metcalf
Graves	Moore
Head	Stone
Hill	of Galveston
Lanning	Sulak
Lemens	

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 20, A bill to be entitled "An Act amending Chapter 212, Section 25 of the General Laws of the Regular Session of the Fortieth Legislature, 1927, and amended by Chapter 229, Regular Session of the Forty-first Legislature, 1929, relating to overtime to be allowed prisoners in the Texas Penitentiary, providing that the General Manager shall have the authority to designate the overtime rates for special work, defining what constitutes a day in overtime work and fixing the date when this Act shall become effective, and declaring an emergency." (With amendments.)

The House has concurred in Senate amendments to H. C. R. No. 53 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 413 by a vote of 117 yeas, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 517 and has requested the appointment of a conference committee to consider the differences between the two houses. The following conferees were appointed on the part of the House: Messrs. Hamilton, Russell, Langdon, Pevehouse, Taylor.

H. C. R. No. 83, Granting permission to the Hon. Few Brewster of the Twenty-seventh Judicial District of the State of Texas to be absent from the State at intervals during the years 1939 and 1940.

S. B. No. 107, A bill to be entitled "An Act amending the Acts of 1931, Forty-second Legislature, page 450, Chapter 270, relating to the theft of citrus fruits, and declaring an emergency."

S. B. No. 160, A bill to be entitled "An Act to amend Section 3 of Chapter 5, Acts 1934, Forty-third Legislature, Second Called Session, as amended by Chapter 439, Acts 1935, Forty-fourth Legislature, Second Called Session, by providing that the Boards of Directors may refinance bonds already issued, and declaring an emergency." (With amendments.)

S. B. No. 193, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress; and authorizing the State Highway Commission to join in and assent to easements executed by owners of the fee title to lands on which the State owns only an easement; validating any such conveyance heretofore made; providing that if any section, word, phrase, or clause in this Act be declared uncon-

stitutional, for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act authorizing towns and villages, heretofore incorporated under Chapter 12 of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, having an assessed valuation for taxable purposes of \$500,000.00 or more, according to its latest approved tax rolls, notwithstanding any limitation contained in Article 1163 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers of cities and towns in the manner prescribed by Article 961 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, notwithstanding any limitation contained in said Article as to minimum population or as to the inclusion of manufacturing establishments, providing that such municipalities shall thereafter have all of the rights, powers, privileges, immunities and franchises of cities and towns conferred by the laws contained in Title 28 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, making this Act cumulative of all other laws, providing that in the event of a conflict, the provisions of this Act shall prevail, and declaring an emergency."

S. B. No. 286, A bill to be entitled "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employes; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund; describing this Act as the "Municipal Retirement Law"; defining words and phrases as used in this Act; prescribing who shall be members of any such retirement system, and providing for a refund of contributions to any employe leaving the service of such city; providing a method for contributions to the retirement fund by city employes and requiring the keeping of individual accounts with

each member, and providing for an annual statement of the total accumulations to each contributor's credit, and providing that expenses of administration and operation of the retirement system shall be paid by appropriation from the general fund of any such city; prescribing the membership of the Municipal Retirement Board and fixing the terms of such members and the methods by which members shall be named to such Board, empowering the Board to administer the retirement fund and fixing the powers and duties of the Board; providing that the city treasurer shall be custodian of the funds of the retirement system and requiring the giving of bond for proper performance of his duties, and fixing the powers and duties of the treasurer; providing that none of the funds of the retirement system shall be assignable or subject to issue, levy, attachment, garnishment or other legal process; prescribing the benefits to be derived by city employes under the retirement system and fixing the methods of retirement under said system, and prescribing what shall be a service retirement allowance; providing a method of financing the retirement system; providing for the liquidation of said retirement system in the event of failure of financial success of said system; providing a savings clause for this Act, and declaring an emergency." (With amendments.)

S. B. No. 335, A bill to be entitled "An Act providing for additional return and appearance days for civil citations, writs, process and causes of action, in District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks; providing and prescribing procedure; and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act to authorize any County, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the

United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States, to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing for the method of procedure in condemnation cases; providing that title shall vest in the County upon the filing of a declaration of taking by the County and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said County; and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Eleven in Jackson County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the district hereby created are also included in other road districts having outstanding bonds shall not affect the district

hereby created or its powers hereby granted; and providing that liability of territory included in this district and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article III, Section 52; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Law; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

S. B. No. 414, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such property; providing for the recording of such petitions. and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act to eliminate solitary confinement cells or 'dark cells' in all jails in this State, and providing for the regulation of solitary confinement cells or 'dark cells' in the Texas Prison System, defining certain terms; providing a penalty for the violation of the provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency." (With engrossed rider.)

H. C. R. No. 84, A resolution authorizing correction of H. B. No. 74.

H. C. R. No. 85, Authorizing the Enrolling Clerk of the House to make certain changes in H. B. No. 336.

S. C. R. No. 33, Requesting the State Highway Department of Texas to loan certain quantities of discarded guard wire to the School Board of Brenham Independent School District.

The House has concurred in Senate amendments to H. B. No. 812 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 534 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 683 by a vote of 120 yeas, 0 noes.

The House has refused to concur in Senate amendments to H. B. No. 194 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Dean, Kinard, Dickison, Morris, Kersey.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Report of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,  
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 240, A bill to be entitled "An Act regulating fishing in Burnet, Llano, San Saba and Travis Counties; providing for size and bag limit of fish caught or taken from the waters in such counties and making it unlawful to take or catch fish from the waters of Buchanan, Inks, Marshall Ford, Marble Falls and Tom Miller Lakes except by certain means or the use of certain devices; providing for a closed season in such lakes and making exceptions; regulating the sale or transportation of minnows; providing a universal fishing license for such counties; and providing a penalty, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached Committee Substitute do pass in lieu of the original bill and be not printed.

Respectfully submitted,

MOORE, Chairman.

#### Senate Bill 167 on Engrossment (Unfinished Business)

The President laid before the Senate, as unfinished business, on its

passage to engrossment (the bill having been read second time on Tuesday, April 4, 1939):

S. B. No. 167, A bill to be entitled "An Act creating a School Land Board; defining its powers and prescribing its duties; providing regulations for the sale and lease of all lands set apart for the Permanent Free School Fund and several asylum funds, the mineral estate in river beds and channels, and the mineral estate in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea; dedicating the mineral estate in river beds and channels and in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea, to the Permanent Free School Fund; abolishing the Board of Mineral Development; making an appropriation; providing that if any provision of this Act shall be held invalid or unconstitutional, the remaining provisions shall not be affected; providing that filings, applications, or litigation pending on effective date of this Act shall not be affected; suspending all parts of laws in conflict; and declaring an emergency."

With (committee) amendment (2) and motion of Senator Hill to table the bill pending.

Question — Shall the (committee) amendment (2) be adopted?

The amendment was adopted.

Senator Hill, by unanimous consent, withdrew the motion to table the bill.

Senator Metcalfe offered the following amendment to the bill:

Amend Senate Bill No. 167, page 1, by adding at the end of Section 1 the following:

"Provided, however, that nothing in this Act shall be construed as removing from or interfering with the rights and powers of the surface owner of land sold or to be hereafter sold by the State, with a mineral reservation, to act as agent of the State in making and executing mineral leases covering and affecting such lands, but the authority of such surface owner shall remain the same as is provided by law and it is in nowise abridged, modified, or removed by this Act."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 167, page 2, by striking out all of Section 14.

Senator Moffett moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20

Aikin	Redditt
Brownlee	Roberts
Graves	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Nays—8

Beck	Head
Burns	Hill
Cotten	Pace
Hardin	Sulak

Absent

Collie	Stone
Nelson	of Washington

Question—Shall the bill be passed to engrossment?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

H. B. No. 490, A bill to be entitled "An Act amending House Bill No. 38, Chapter 7, page 13, of the General and Special Laws of the Forty-third Legislature, Third Called Session, 1934, providing for open season for

taking squirrels in Nacogdoches County; providing penalties; repealing all laws in so far as they may be in conflict, and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act granting permission to John Albert Jordan to bring suit against the State of Texas, in a court of competent jurisdiction, for damages for personal injuries received by him while a student in the Deaf and Dumb School of the State of Texas, and which injuries are alleged to have produced damages to the said John Albert Jordan; providing that any judgment so recovered to be paid out of the funds of the State of Texas; providing that if any provisions of this Act shall be invalid, that validity of the other provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 623, A bill to be entitled "An Act to amend Chapter 495, Article 3, Section 4, Acts of the Third Called Session of the Forty-fourth Legislature."

H. B. No. 626, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill No. 373, Chapter 264, page 651 of the Acts of the Forty-fourth Legislature as amended by House Bill No. 893, Chapter 257 of the Acts of the Regular Session of the Forty-fifth Legislature; providing for additional time for organization under such Act prescribing the time of organization and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact, and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act adding Article 4281a to the Revised Civil Statutes of Texas of 1925, as amended, providing for reimbursement for costs and other expenses incurred by counties in Texas in the trial and transportation of lunatics who are not bona fide residents of the State of Texas, providing



for their return to their home State, and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners' Court of a County may order the Tax Assessor and Collector of said county to post notices in each voting or justice precinct in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act authorizing the Commissioners' Court of any County in this State or the governing body of any other subdivision of this State to enter into agreements with the Texas State Employment Service for the establishment and maintenance of a free public employment service within such county or political subdivision and authorizing the Commissioners' Court of any county or the governing body of any other political subdivision to appropriate and expend monies for such purpose."

H. B. No. 794, A bill to be entitled "An Act amending Article 6686, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new paragraph providing for the issuance of in-transit permits by the State Highway Commission to any person, firm or corporation engaged in and using the drive-a-way system of transporting motor vehicles under their own power, and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkeys in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

S. B. No. 164, A bill to be entitled "An Act creating the Texas Coronado Quarto Centennial Commission, prescribing the duties and responsibilities of such Commission, and declaring an emergency."

H. B. No. 614, A bill to be entitled "An Act amending Sections 14 and 18 of Chapter 41 of the Acts of the Fortieth Legislature, First Called Session, so as to provide for the filing of the birth record of an adopted child in the local registrar's office, and providing for a change in the birth record of a child when that child is legitimized by the marriage of its mother; and so as to provide for the registration of a birth or death that has not previously been registered, and declaring an emergency."

(With engrossed riders.)

The House refused to concur in Senate amendments to H. B. No. 170 and has requested the appointment of a conference committee to consider the differences between the two houses; the following conferees are appointed on part of the House:

Messrs. Smith of Hopkins, Hartzog, Derden, Thornberry, Holland.

The House has concurred in Senate amendments to H. B. No. 719 by a vote of 122 yeas, 2 noes.

The House has concurred in Senate amendments to H. B. No. 718 by a vote of 128 yeas, 1 no.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 591, to Committee on Penitentiaries.

H. B. No. 490, to Committee on Game and Fish.

H. B. No. 603, to Committee on State Affairs.

H. B. No. 623, to Committee on State Affairs.

H. B. No. 333, to Committee on Game and Fish.

H. B. No. 664, to Committee on State Departments and Institutions.

H. B. No. 626, to Committee on Insurance.

H. B. No. 794, to Committee on Highways and Motor Traffic.

H. B. No. 735, to Committee on Counties and County Boundaries.

H. B. No. 633, to Committee on Mining, Irrigation and Drainage.

H. B. No. 679, to Committee on Civil Jurisprudence.

H. B. No. 814, to Committee on Game and Fish.

#### House Concurrent Resolution 83

The following resolution received from the House today, was laid before the Senate, and was read:

H. C. R. No. 83, Granting Judge Few Brewster leave of absence from the State.

By unanimous consent, the resolution was considered at this time and was adopted.

#### House Concurrent Resolution 84

The following resolution received from the House today, was laid before the Senate, and was read:

H. C. R. No. 84, Authorizing change in enrolled copy of H. B. No. 74.

On motion of Senator Van Zandt and by unanimous consent, the resolution was considered at this time and was adopted.

#### House Concurrent Resolution 85

The following resolution received from the House today, was laid before the Senate, and was read:

H. C. R. No. 85, Authorizing correction in H. B. No. 336.

On motion of Senator Kelley and by unanimous consent, the resolution was considered at this time and was adopted.

#### Conference Committee on House Bill 170

Senator Roberts called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 170.

Senator Roberts moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators

Roberts, Van Zandt, Collie, Hardin and Head.

#### Senate Concurrent Resolution 35

Senator Van Zandt, by unanimous consent, offered at this time the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and she is hereby authorized to correct and perfect the caption of S. B. 69, in order that same shall conform to the body of the bill.

The resolution was read; and on motion of Senator Van Zandt and by unanimous consent, it was considered at this time, and was adopted.

#### Conference Committee on House Bill 194

Senator Spears called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 194.

Senator Spears moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Spears, Kelley, Hardin, Pace and Martin.

#### Senate Bill 20 with House Amendments

Senator Burns called up Senate Bill No. 20 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—31

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens

Martin	Spears
Metcalf	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Winfield
Small	

#### Conference Committee on Senate Bill 160

Senator Kelley called S. B. No. 160 from the President's table for consideration of the House amendments to the bill.

The President laid the bill, with House amendments, before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Kelley moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the following conferees on the bill on the part of the Senate: Senators Kelley, Martin, Stone of Galveston, Brownlee and Winfield.

#### Senate Bill 286 with House Amendments

Senator Brownlee called Senate Bill No. 286 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Brownlee.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Small
Lemens	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

#### Report of Standing Committee

Senator Metcalfe, by unanimous consent, submitted at this time the following report of the Committee on Military Affairs:

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 426, by Spears, A bill to be entitled "An Act to amend Article 5885 of the Revised Civil Statutes of Texas, 1925, so as to define the assistance which Counties, Cities, and Towns may render to the National Guard, validating certain donations heretofore made, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

#### Recess

Senator Winfield moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion of Senator Winfield, yeas and nays were demanded.

The roll was called on the motion and the vote announced: Yeas 14, Nays 14.

The President voted "yea," and the motion of Senator Winfield prevailed by the following vote:

Yeas—15

Mr. President	Cotten
Beck	Isbell

Kelley	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Pace	Weinert
Redditt	Winfield

## Nays—14

Aikin	Lanning
Brownlee	Moore
Burns	Roberts
Collie	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	

## Present—Not Voting

Moffett

## Absent

Nelson

Small

The Senate, accordingly, at 12:15 o'clock p. m. took recess to 10:00 o'clock a. m. tomorrow.

## FORTY-EIGHTH DAY

(Continued)

(Tuesday, April 11, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

## Leave of Absence Granted

Senator Nelson was granted leave of absence for today, on account of important business, on motion of Senator Graves.

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 195, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the creation of the State Board of Chiropody Examiners and prescribing their powers

and duties; providing for the examination and licensing of chiropodists and the recording of licenses issued to chiropodists and for the annual registration of licensed chiropodists; providing grounds upon which such licenses may be suspended or revoked and the procedure to be followed in suspending or revoking same; providing civil and criminal remedies and penalties for violation of the laws regulating the practice of chiropody and to prevent the unlawful practice of chiropody, defining certain unlawful acts and practices taking place in connection with the practice of chiropody and prescribing penalties therefor; amending Articles 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575 of the Revised Civil Statutes of 1925, and also amending Chapter 11, Title 71, Revised Civil Statutes of 1925 by adding Article 4573-a immediately after Article 4573, as amended herein, and by adding Article 4573-b immediately after Article 4573-a, and by adding Article 4575-a immediately after Article 4575, as amended herein, and amending Articles 778, 779 and 780 of the Penal Code of 1925, and also amending Chapter 11, Title 12 of the Penal Code of 1925, by adding Article 778-a immediately after Article 778, as amended herein and by adding Article 779-a immediately after Article 779 as amended herein, and by adding Article 779-b immediately after Article 779-a, and otherwise regulating and protecting public health as dealt with by the profession of chiropody as in the Act set out; providing for reciprocity as limited in the Act and declaring certain legislative intent with respect to this Act, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act authorizing the Boards of School Trustees of independent school districts and County Boards of School Trustees to employ visiting teachers and school psychologists, setting forth qualifications of visiting teachers and school psychologists, prescribing their duties, defining their status, and prescribing how they should be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act amending Section 3 of House